

IN THE DRAWINGS

Please add new drawing sheets 14-17 to the application.

REMARKS

The amendment includes the language from pages 11-17 of the '963 application, equations (1a), (1b), and (1c) from page 10 of U.S. Patent Application Serial No. 09/512,963, ("the '963 application") and FIGs. 3-5G and 13 of the '963 application. The only changes relative to the original material from the '963 application are renumbering of the figures, figure reference numbers, and equations (with a small change to the introduction of equations (1a), (1b), and (1c) from page 10 of the '963 application, which adds no new matter). The undersigned notes that the amendment replaces the one paragraph beginning on page 3, line 27 of the application with the text shown on pages 2-9 of this amendment. As the '963 application was previously indicated as incorporated by reference into this patent application, this amendment only adds material that was previously incorporated by reference, and no new matter is being added to this patent application.

The rationale for this amendment is that the '963 application has not yet issued or been published, but is the basis for support for features of the claims as allowed in this patent application. Accordingly, the Applicant believes the specification should be amended to specifically describe the pertinent subject matter to directly support the claims.

In addition, 37 C.F.R. § 1.57(c) indicates that "[e]ssential material' may be incorporated by reference, but only by way of an incorporation by reference to a U.S. patent or U.S. patent application publication 'Essential material' is material that is necessary to: (1) Provide a written description of the claimed invention" The claims include features that are described in U.S. Patent Application Serial No. 09/512,963 ("the '963 application"). As the '963 application has not yet issued but is currently pending, and has not been published, under 37 C.F.R. § 1.57, the incorporation by reference of the '963 application is ineffective to support some features of the claims. But because the '963 application was indicated as incorporated by reference, the Applicant hereby amends the specification of this patent application to include the pertinent subject matter of the '963 application.

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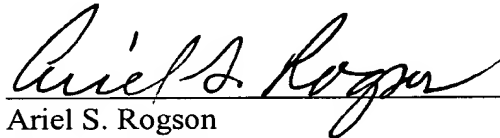
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The Applicant believes that, notwithstanding the U.S. Patent & Trademark Office's statement that 37 C.F.R. § 1.57 is to be applied only to applications filed on or after October 21, 2004, the section is applicable to pending applications as well, because the rule does not on its face limit itself to later-filed applications. Compare, for example, with 37 C.F.R. 1.78(a)(2)(ii)(B), which specifically indicated that 37 C.F.R. § 1.78 was not to be applied to applications filed before November 29, 2000. As 37 C.F.R. § 1.57 includes no corresponding language, the Applicant believes 37 C.F.R. § 1.57 is applicable to this patent application.

Respectfully submitted,

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